



DECLARATION FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled NON-IMMUNOGLOBULIN BINDING POLYPEPTIDES, the specification of which

\_\_\_\_\_ is attached hereto as Attorney Client-Matter No. \_\_\_\_\_).

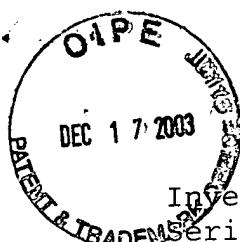
X was filed on June 30, 2003,  
as Application Serial No. 10/611,655  
(Attorney Client-Matter No. 66663-026 (P-EA 5191)

and was amended on (or amended through) \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information,



Inventor: Glen A. Evans  
Serial No.: 10/611,655  
Filed: June 30, 2003  
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a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Glen A. Evans

Inventor's signature: 

Date: August 6, 2003

Residence: San Marcos, California

Citizenship: United States of America

Mailing Address: 1652 Via Cancion  
San Marcos, California 92069



Document: An executed Declaration for Patent Application

Attorney Client-Matter No: 66663-026  
(P-EA 5191)

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 401711127 US

DATE OF DEPOSIT: December 15, 2003

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Paul Choi

Printed Name of Person Mailing Paper or Fee

Paul Choi

Signature of Person Mailing Paper or Fee



PATENT  
Client-Matter No.: 66661-026 (P-EA 5191)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Glen A. Evans )  
 )  
Serial No. 10/611,655 )  
 )  
Filed: June 30, 2003 )  
 )  
For: NON-IMMUNOGLOBULIN )  
BINDING POLYPEPTIDES )  
 )  
 )

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

**(1) Individual person:**

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

**(2) Small business concern:**

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

Inventors: Glen A. Evans  
Serial No.: 10/611,655  
Filed: June 30, 2003  
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venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

**(3) Nonprofit organization:**

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

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Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include, but are not limited to, an inventor him- or herself or an authorized officer of an assignee or licensee. See § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

Inventors: Glen A. Evans  
Serial No.: 10/611,655  
Filed: June 30, 2003  
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I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

Aug 4, 2003

Date

Name: Glen A. Evans

Title: Chief Executive Officer

Egea Biosciences, Inc.  
6759 Mesa Ridge Road  
Suite 100  
San Diego, California 92121



Document: An executed Small Entity Statement

Attorney Client-Matter No: 66663-026  
(P-EA 5191)

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Paul Choi

Printed Name of Person Mailing Paper or Fee

Paul Choi

Signature of Person Mailing Paper or Fee



POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee, Egea Biosciences, Inc., is the owner of the entire right, title and interest of U.S. Patent Application Serial No. 10/611,655, filed on June 30, 2003, as attorney docket number 66663-026 (P-EA 5191), and entitled NON-IMMUNOGLOBULIN BINDING POLYPEPTIDES, and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; ANDREA L. GASHLER, Registration No. 41,029; DEBORAH L. CADENA, Registration No. 44,048; ASTRID R. SPAIN, Registration No. 47,956; PAMELA M. GUY, Registration No. 51,228; and MELODY E. CLARK, Registration No. 51,566.

Please direct all telephone calls to David Gay at (858) 535-9001 and address all correspondence to:

DAVID GAY  
McDERMOTT, WILL & EMERY  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601

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Serial No.: 10/611,655  
Filed: June 30, 2003  
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The undersigned is authorized to sign on behalf of the Assignee.

Signature: 

Name (typed): Glen A. Evans

Title: Chief Executive Officer

Assignee: Eqea Biosciences, Inc.

Date: August 4, 2003



Document: An executed Power of Attorney  
by Assignee

Attorney Client-Matter No: 66663-026  
(P-EA 5191)

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Paul Choi

Printed Name of Person Mailing Paper or Fee

Paul Choi

Signature of Person Mailing Paper or Fee



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: NON-IMMUNOGLOBULIN BINDING  
POLYPEPTIDES

Application Ser. No.: 10/611,655

Filed: June 30, 2003

Inventor(s): Glen A. Evans

Attorney Client-Matter No.: 66663-026 (P-EA 5191)

Egea Biosciences, Inc., a corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: Aug 4, 2003

Signature: 

Name: Glen A. Evans

Title: Chief Executive Officer

**COPY**

SOLE

ASSIGNMENT

This Assignment is made by Glen A. Evans of San Marcos, California, Assignor, to Egea Biosciences, Inc., Assignee, having a place of business at 6759 Mesa Ridge Road, Suite 100, San Diego, California.

WHEREAS, Assignor has invented a new and useful NON-IMMUNOGLOBULIN BINDING POLYPEPTIDES, for which an application for United States Letters Patent was filed on June 30, 2003, in the United States Patent and Trademark Office, bearing Serial No. 10/611,655 and identified as Attorney Client-Matter No. 66663-026 (P-EA 5191);

WHEREAS, Assignor believes that Assignor is the original inventor of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor sells, assigns, and transfers to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, Assignor and Assignor's legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for



Inventor: Glen A. Evans  
Serial No.: 10/611,655  
Filed: June 30, 2003  
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perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignor represents and warrants that Assignor has not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignor authorizes and requests that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignor has executed this Assignment on the date(s) provided below.

Assignor: Glen A. Evans

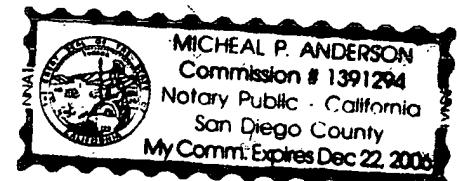
 Aug. 6, 2003  
Signature Date

STATE OF California )  
COUNTY OF San Diego )

On 8/7/03, before me, Michael P. Anderson, Notary Public, personally appeared Glen Ailen Evans,  personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  are subscribed to the within instrument and acknowledged to me that  he/she/they executed the same in  his/her/their authorized capacity(ies), and that by  his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

  
(Signature of Notary)





Document: An executed Statement Under  
CFR 3.73(b) with copy of executed  
Assignment

Attorney Client-Matter No: 66663-026  
(P-EA 5191)

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Paul Choi  
Printed Name of Person Mailing Paper or Fee

  
Signature of Person Mailing Paper or Fee